

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**In the Matter of** )  
 )  
**Improving Public Safety Communications in** )  
**the 800 MHz Band** ) **WT Docket No. 02-55**  
 )  
**Consolidating the 900 MHz Industrial/Land** )  
**Transportation and Business Pool Channels** )

**Comments of Coupe Communications, Inc.**

Coupe Communications, Inc., (Coupe), herein respectfully submits comments in response to the Commission's *Notice of Proposed Rulemaking* (NPRM) in the above-referenced matter.<sup>1</sup> Coupe provides telecommunications equipment sales and service and is located in the suburbs of Philadelphia, Pennsylvania. Coupe provides repeater services on three Business/Industrial Land Transportation frequencies in the 800 MHz. band. End users on these systems include taxi service companies. Coupe has attended meetings with industry leaders including Nextel regarding the Nextel Proposal for 800 MHz. restructuring. We do not attempt to provide alternate plans to those previously submitted, but rather hope to provide thoughtful analysis of portions of the proposal as it may affect small operators like us.

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<sup>1</sup> See Improving Public Safety Communications in the 800 MHz Band and Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels, *Notice of Proposed Rule Making*, WT Docket No. 02-55 (rel. Mar. 15, 2002) (NPRM).

## **I. Current Situation**

The Commission notes in its NPRM that a primary impetus for the proposal is to eliminate if possible and, if not, to substantially mitigate interference to public safety users in the 800 MHz. band. It is noteworthy that not only do public safety users occupy the NPSPAC band channels originally designated to public safety entities, but also what were originally intended as B/ILT channels as well through intercategory sharing. It is also worth noting that at least anecdotally, the number of public safety interference complaints has increased dramatically over the past few years as Nextel has built out its nationwide digital iden system. Discussions with public safety officials in our home area as well as with APCO officials did not reveal specific interference complaints with existing B/ILT users with the public safety systems other than possibly an occasional, usually easily resolvable problem. Nextel alludes to the ideal that the interference currently at hand appears to be intermodulation interference between its signal and Cellular A and B band operators. Furthermore, discussions with Nextel engineers lead one to believe that the interference may be significantly reduced with public safety equipment with greater interference rejection, in essence, equipment with superior receivers. In discussions at the meetings we have attended, even when directly questioned, Nextel did not provide specific evidence that a change by public safety to equipment with better specifications nor the realignment of the 800 MHz. band would guarantee public safety interference-free communications.

Some may suggest that the system architecture adopted by Nextel of lower towers with less transmitter power but with high gain antennas down tilted to increase signal levels on the street and into the penetration of buildings, is in direct conflict with the general architecture of the public safety system(s). However, we note that in many cases, public safety operators appear to be adding additional sites to systems in an effort to again increase building penetrations and mobile coverage while still conforming to their licensed interference contours. In essence, public safety has begun to model its architecture after the cellular type model. It is unrealistic to assume that future public safety build-outs will continue the “high antenna, few sites” architecture. Just the opposite may be true as public safety attempts to provide specific coverage into geopolitical coverage areas using portable radios. In fact, bid specifications for these systems include specific design criteria, such as “95% in-building penetration”.

This leads us to believe that attempts to manipulate the 800 MHz. band probably will not correct the root cause of the interference. Simply stated, we believe that public safety communications would best be served by relocation of public safety to another band, possibly 700 MHz. providing a wide guard area against interference. Further, we also believe that the “Best Practices Guide”<sup>2</sup> should be adopted after further reviews as part of any long term solution, as well as a short term mitigation.

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<sup>2</sup> See generally, *Avoiding Interference Between Public Safety Wireless Communications Systems and Commercial Wireless Communications Systems at 800 MHz—A Best Practices Guide*, December 2000 (Best Practices).

We also believe that relocation of any entities not shown to be the cause or victim of interference begins a possible "slippery slope", allowing future interference instigators a "scape goat" to suggest to the Commission that interference problems could easily be corrected by restructuring frequencies. Historically, the Commission has required interfering entities to correct problems rather than restructure a band of frequencies. While we support restructuring when in the public interest, we worry that future situations may use this as defacto precedence.

## **II. Economic Impact**

The Commission requests comments with regards to the economic impact of the proposals. In our case, if forced to bear the costs of relocation, users on systems managed by us would be overwhelmed by the expense, possibly bankrupting the operations. Most taxi services in the Philadelphia area are coordinated by a dispatch facility. However, the mobile units used are owned by the vehicle owner, often the driver, who is almost always a very small business with just one or two employees. Often, these cabs are owned by immigrants, who struggle to establish a position in our society by driving and operating a taxi. Radios are most often sold by taxi operator to taxi operator because they simply cannot afford new equipment. About 300-400 taxis operate on our repeaters. It would not be unreasonable to expect equipment costs near \$1000 per mobile radio if a move to the 700 MHz. band would be required, let alone the costs of repeaters and infrastructure. Labor costs for removal of the old units and installations may run into the hundreds of thousands of dollars. These costs would stagger these users, and would of course, eventually be passed down to the public, or be born by a taxi operator who only makes a modest income.

In fact, we understand from our experience with taxi operators that the Pennsylvania Public Utilities Commission requires land mobile radios other than cellular or Nextel for medallion taxis operating within the city limits. This requirement is primarily due to the need to the taxi driver to have a communications pathway in the event of a holdup, or medical emergency of a passenger. In essence then, at least the taxi radio is another public safety requirement. While we certainly do not suggest the role of the taxi radio to be equivalent to that of a radio for police, fire or ems, it is never the less, an operation in the interest of public safety.

Nextel suggests that the move should be funded by the B/ILT users since they will be provided with a “new home” even less prone to interference. We know of no B/ILT licensees suffering significant interference to warrant a move on the justification that interference will be reduced. In short, we are unaware of any B/ILT users experiencing these problems whatsoever.

Further, we believe that any relocation must reimburse the B/ILT licensee with spectrum of “equal value”. Should a relocation plan be adopted for B/ILT users, the spectrum offered to them must provide similar coverage characteristics. Likewise, since B/ILT users may now apply to convert B/ILT licenses from PMRS to CMRS, we believe a similar pathway should be available in relocated areas. The auction process has essentially valued all spectrum. The B/ILT user should receive spectrum not necessarily in “the same neighborhood” as their 800 license, but in a neighborhood technically and financially equivalent to 800 MHz.

Should public safety relocate to 700 MHz, we believe the costs associated with any move should be born exclusively by those shown to be the cause of the interference and not by existing 800 MHz in general, nor through the use of public funds.

The Commission inquires whether or not existing equipment could be retuned to eliminate any costs that would be associated with the purchase of new equipment. To the best of our knowledge, not equipment is available that would easily retune to either the 700 or 900 MHz bands. Further, we believe that most existing equipment is not type accepted for operations on these frequencies, effectively precluding any retuning efforts. We can say unequivocally that all of the equipment we currently employ is not capable of retuning to either 700 or 900 MHz.

### **III. Secondary Status**

Nextel suggests in its proposal that B/ILT users could remain on their frequencies in a secondary status if they choose not to relocate. We believe this is unacceptable. First, Nextel fails to define exactly what “secondary status” implies for this situation. Would future frequency coordination, short spacing, loading requirements be dropped for these B/ILT licensee’s? Would licensee’s loose protections now afforded to them if Nextel or a public safety user desired to apply for that frequency? Further, some licensee’s have converted their licensees to CMRS operations. Will they be relegated to a secondary status, or in some other way have their operations affected by the proposal. We believe that the issue is one of insuring no interference occurs to public safety, and the secondary status simply acts to pressure B/ILT operators to move. Again, the B/ILT user does not appear to be the cause of or the victim of the interference.

We support the concept of a “master frequency coordinator” should a relocation plan be adopted. Any relocation plan would appear to present a myriad of coordination problems. While 800 coordinators such as PCIA, ITA, APCO and others perform an outstanding job now, we believe at least some form of an umbrella coordinator would be necessary to prevent inequities and interference to public safety remaining in the 800 MHz. band.

#### **IV. Additional Concerns**

We believe that any proposal must create as level a playing field as can be achieved for all parties involved. No one entity should substantially gain spectrum advantage, nor should any one or group of users be penalized for their operations. In some discussions, it has been suggested that B/ILT licensees did not pay for their spectrum at auction, therefore the benefits of the use of this spectrum is somehow unjust. We are reminded that although the government now auctions lands, history includes many lands that once were given free as our nation grew. As a nation, we have never taken back these properties, nor made the current occupants repay the government for them. B/ILT users have come to depend on the use this spectrum. In many ways, these businesses contribute to the overall public interest. Whatever solution is finally adopted, we hope that no one party either excessively gains or loses from the final rulemaking.

#### **III. Conclusion**

The Commission has can improve public safety communications with the adoption of new rules for the 800 MHz band. We believe that the Commission should move public safety users to 700 MHz, and in the interim, the Commission should adopt the “Best Practices Act.”

Respectfully submitted,

COUPE COMMUNICATIONS, INC.  
805 North Bethlehem Pike  
Post Office Box 793  
Spring House, PA 19477-0793  
215-646-2255

By: /s/ John Parke Coupe, Jr.  
John Parke Coupe, Jr.  
President/CEO

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President/CEO